

### **REMARKS/ARGUMENTS**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they included the reference character "D" as in figure 1 not mentioned in the description. Claims 15 to 17, 23, 24, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,288,298 to Aston in view of U.S. Patent No. 6,352,579 to Hirata et al. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aston and Hirata et al. as applied to claims 15-17, 23, 24, 29, and 30 and, further in view of International Publication No. WO 96/19279 to Krogmann. Claim 27 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aston and Hirata et al. as applied to claims 15-17, 23, 24, 29, and 30 and, further in view of U.S. Patent Application Publication No. 2003/0177909 to Koslow. Claims 18 to 22, and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Reconsideration of the application is respectfully requested.

#### **37 CFR 1.84(p)(5) Objection to Drawings**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they included the reference character "D" as in figure 1 not mentioned in the description. Paragraph [0014] has been amended to include reference to "cell size D."

Withdrawal of the objection to drawings is respectfully requested.

#### **35 U.S.C. 103(a) Rejections**

Claims 15 to 17, 23, 24, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,288,298 to Aston in view of U.S. Patent No. 6,352,579 to Hirata et al. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aston and Hirata et al. as applied to claims 15-17, 23, 24, 29, and 30 and, further in view of International Publication No. WO 96/19279 to Krogmann. Claim 27 was rejected under 35 U.S.C. 103(a) as

being unpatentable over Aston and Hirata et al. as applied to claims 15-17, 23, 24, 29, and 30 and, further in view of U.S. Patent Application Publication No. 2003/0177909 to Koslow. Claims 18 to 22, and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Aston discloses an antimicrobial air filter and method of making same. The filter in Hirata comprises a layer of fabric that bears porous activated carbon particulate deodorizing agents and a layer of polymeric expanded foam filter media impregnated with a biostat type antimicrobial agent. See Aston, column 2, lines 32-36. The fabric layer is separated from the foam layer such that the antimicrobial agent is substantially prevented from contacting the porous activated carbon particulate deodorizing agents and clogging their pores. See Aston, column 2, lines 36-40. This separation may be provided by means of another layer of the foam that is not treated with the antimicrobial agent, by a screen, or by an air gap. See Aston, column 2, lines 40-42.

Hirata discloses a chemical filter unit and gas purification system. The chemical filter unit of Hirata comprises a filter medium formed by laminating a plurality of fiber sheets and a housing for containing the filter medium, that has a gas inlet open on one face of the housing and a gas outlet open on the other face substantially opposite to the gas inlet, characterized in that gas passages to allow the flow of the gas along the surfaces of the fiber sheets are formed between the respectively adjacent fiber sheets of the filter medium from the gas inlet to the gas outlet. See Hirata, Col 2, lines 63-67 through Col. 3, lines 1-4.

Claim 15 of the present invention recites a cassette filter for filtering a medium, comprising: a frame; a pleated filter material disposed in the frame and having a first flow resistance; and a protective grid having passage holes disposed in the frame at a distance from the filter material and having a second flow resistance lower than the first flow resistance, the protective grid including: a first film strip extending parallel to a flow direction of the medium and bent around the passage holes and including a plurality of contact points; and a second film strip bent identically as the first film strip and recurrently contacting the first film strip at the

plurality of contact points and being glued to the first film strip outside of the passage holes.

As admitted Aston does not show a protective grid as claimed. It is respectfully submitted that Hirata also does not show a protective grid at all. The structure of Hirata is a filter itself and not a protective grid.


Moreover, it is respectfully submitted that one of skill in the art would not have combined the chemical filter of Hirata with the antimicrobial air filter of Aston. If anything, one of skill in the art would have replaced the HEPA filter 15 of Aston with filter medium 21 of Hirata. See Hirata at Col. 7, lines 13 to 17 and See Aston at Col. 3, lines 63 to 67. There is no reason or motivation to provide the filter medium 21 of Hirata in place of sheet 13 of Aston at all.

Withdrawal of the rejection to claim 15 under 35 U.S.C. § 103 (a) is respectfully requested. With respect to the dependent claims, withdrawal of the rejections under 35 U.S.C. § 103 (a) is respectfully requested in view of the above.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue  
New York, New York 10018  
(212) 736-1940